



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 14, 2023

BY ECF

The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *United States v. Odaine McEarson*, 15 Cr. 342 (KPF)

Dear Judge Failla:

The Government writes to inform the Court that the Complaint filed August 31, 2023, in which defendant Odaine McEarson was charged with violations of Title 18, United States Code, Sections 1951 and 2, was dismissed without prejudice at the Government's request earlier today. *See United States v. Odaine McEarson*, 23 Mag. 6220.

As the Court is aware, the specifications outlined in the Violation Report filed by the United States Probation Office for the Southern District of New York on September 1, 2023, in the above-referenced matter before this Court, stem from the same conduct charged in the now-dismissed Complaint.

Accordingly, the Government respectfully requests that the specifications be dismissed without prejudice and that the defendant be ordered released.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney

By:

Benjamin M. Burkett
Assistant United States Attorney
Southern District of New York
(212) 637-2455
Benjamin.Burkett@usdoj.gov

cc: Counsel of Record (ECF)

Application GRANTED. The specifications outlined in the Violation Report filed on September 1, 2023, are DISMISSED without prejudice. The Court hereby ORDERS that Defendant be RELEASED from custody effective as of this Order.

The Clerk of Court is directed to terminate the pending motions at docket numbers 45 and 46.

Dated: September 14, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE